

CIVIL REVISION APPLICATION NO. 1909 OF 1996.

Date of decision: 16.1.1997.

For approval and signature

The Honourable Mr. Justice R. R. Jain

Mrs. K.A. Mehta, advocate for the petitioner.

Mr. S.N. Shelat, advocate for the respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Coram: R.R.Jain,J.

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January 16, 1997.

Oral judgment:

Heard the learned advocates. By consent, the impugned order dated 5.11.1996 passed by the learned Joint District Judge, Surat, staying hearing of Appeal No.189 of 1996 is hereby quashed and set aside. It is made clear that the order passed by this Court in Civil Revision Application No. 1651 of 1996 does not stay this appeal proceedings. Therefore, the appellate court below is directed to hear Appeal No.189 of 1996 and dispose of on merits. The lower appellate court shall also hear and dispose of all application preferred by either of the parties in the appeal proceedings as arising from the

suit proceedings.

With this direction, this application stands disposed of accordingly. Rule is discharged with no order as to costs.